



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

REGULAR AGENDA

**WEDNESDAY, SEPTEMBER 5, 2007 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 W. ALAMEDA, TUCSON, AZ)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Kensang Lin Pur, Tara Mahayana Buddhist Center

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Proclaiming September 2007 to be “National Alcohol and Drug Addiction Recovery Month”
- b. Proclaiming “KB Home’s 50th Anniversary”
- c. Proclaiming September 2007 to be “Emergency Preparedness Month”
- d. Presentation of Certificate of Appreciation to Pete Salgado, from the Barrio Blue Moon residents
- e. Proclaiming September 10 – 16, 2007 to be “Alternative Energy Week 2007”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager SEPT5-07-477 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager SEPT5-07-478 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager SEPT5-07-479 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Big L Market, Ward 5
1353 S. 4th Ave.
Applicant: Sophal Paul Tith
Series 10, City 57-07
Action must be taken by: August 30, 2007

Tucson Police Department has submitted a report showing “no recommendation.”

Development Services and Revenue have indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

- 2. Cheba Hut, Ward 6
1820 E. 6th St.
Applicant: Twila Lenz Brewer
Series 12, City 58-07
Action must be taken by: September 10, 2007

Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.

Development Services has indicated the applicant is not in compliance with city requirements.

3. Guadalajara Grill East, Ward 2
6616 E. Grant Rd.
Applicant: Emma Yolanda Holzman
Series 12, City 60-07
Action must be taken by: September 10, 2007

Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.

Development Services has indicated the applicant is not in compliance with city requirements.

4. Kamon Asian Bistro Sushi Bar, Ward 4
9630 E. 22nd St., #100
Applicant: Shin Young K. Watabe
Series 12, City 61-07
Action must be taken by: September 10, 2007

Tucson Police Department and Development Services have indicated the applicant is not in compliance with city requirements.

Revenue has indicated the applicant is in compliance with city requirements.

5. Circle K Store #1773, Ward 5
6525 S. Country Club Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 63-07
Action must be taken by: September 20, 2007

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer

6. Hacienda Del Mar, Ward 5
5358 S. Old Nogales Hwy.
Applicant: Hector Gonzalez
Series 6, City 55-07
Action must be taken by: August 27, 2007

Staff has indicated the applicant is in compliance with city requirements.

7. North Shore Hawaiian Cuisine, Ward 4
6255 E. Golf Links Rd.
Applicant: Jessica Lima Francisca Brown
Series 6, City 56-07
Action must be taken by: August 30, 2007

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

Person/Location Transfer

8. Elle A Wine Country Restaurant, Ward 6
3048 E. Broadway Blvd.
Applicant: Jeffrey Arthur Fuld
Series 7, City 62-07
Action must be taken by: September 14, 2007

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

Location Transfer

9. Old Peking Chinese Restaurant & Sushi Bar, Ward 6
2522 E. Speedway Blvd.
Applicant: Douglas Marc Levy
Series 7, City 59-07
Action must be taken by: September 9, 2007

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s)

1. Comite de Festividades Mexicanas, Ward 1
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City T49-07
Date of Event: September 15-16, 2007
(Celebrate Mexican Independence Day)

Staff has indicated the applicant is in compliance with city requirements.

2. Escaramuza Flor de Primavera, Ward 5
4823 S. 6th Ave.
Applicant: Pedro Balderrama
City T50-07
Date of Event: September 15, 2007
(Entertainment & Educate Mexican Culture Concert/Dance)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

1. Embassy Suites Hotel, Ward 6
5335 E. Broadway
Applicant: Kevin Arnold Kramber
Series 6, City AC5-07
Action must be taken by: September 10, 2007

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

6. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker". Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

7. CONSENT AGENDA – ITEMS A THROUGH Q

**FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

8. PUBLIC HEARING: ZONING (C9-92-19) COLDWELL – GRANT ROAD AND (C9-99-07) AAA AUTO RENTAL – GRANT ROAD, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN

- a. Report from City Manager SEPT5-07-495 WARD 6
- b. Hearing on a request for a change of conditions and preliminary development plan to allow an exterior-only conveyor automatic car wash, with 14 accessory vacuum stations for drivers' use. The rezoning site is located on the south side of East Grant Road, approximately 500 feet east of North Country Club Road. Applicant: Richard Spreiser, on behalf of the property owner, Scott Sheftel.

The request is, in concept, consistent with the policy direction of the *Grant-Alvernon Area Plan* and the *General Plan*.

It is recommended, at the close of the public hearing, staff be directed to bring back an ordinance with the change of development plan and the following conditions for adoption.

The following conditions are amended conditions for C9-99-07 as set forth in Ordinance No. 9553. The ~~strikeouts~~ represent language to be deleted and the underscored represent language to be added.

- 1. A development plan, which combines all parcels from C9-99-07 and C9-92-19 into a single development site, in substantial compliance with the preliminary development plan ~~and the Design Compatibility Report~~ dated June 21, 2007, is to be submitted for review and approval in accordance with Section 5.3.8 of the *LUC*, including, but not limited to:
 - a. Dumpsters, loading zones and any noise producing outdoor activities to be located at least 50 feet from the property line of any residentially ~~zoned~~ used parcel.

- b. Building height limited to 25 feet. If the structure height exceeds twenty (20) feet, a variety of rooflines and plane lines shall be required. ~~Three dimensional cornice treatments, parapet wall details, overhanging eaves, or similar details shall be used to enhance the architectural character of the buildings.~~ Elevations showing the varied roof lines shall be submitted with the development plan.
- ~~e. Garage bay doors to be oriented toward commercially zoned property and not toward residentially zoned property. No other doors or windows shall be facing residentially zoned property. No drive-through or automated car washing systems shall be permitted.~~
- ~~d. No noise producing mechanical equipment (sprayers, compressors, air tanks, etc.) to be located outside of the enclosed building.~~
- e.c. A six-foot high decorative masonry wall shall be provided adjacent to residentially zoned properties, and along the southern site boundary. The existing masonry wall design and/or materials shall be modified as appropriate to integrate them into the new site design. Wall details shall be provided with development plan submittal.
- f.d. Canopy trees shall be planted a minimum twenty-five (25) foot on-center along the wall adjacent to residentially zoned properties.
- g.e. All new buildings and walls shall utilize earthtone colors. Brighter colors may be used for accent only. Color elevations are to be provided with the development plan submittal.
- f. A minimum 40-foot-wide buffer shall be provided along the southern portion of the eastern boundary, as shown on the preliminary development plan. A minimum of nine (9) canopy trees shall be planted and maintained within this buffer area.
2. No access shall be permitted to Bray Road. The owner/developer shall dedicate a one (1) foot no vehicular access easement along the Bray Road frontage of the rezoning site.
3. A hydrology report, or drainage statement, shall be submitted for review and approval, maximizing stormwater harvesting in the landscaped areas.
4. ~~4.~~ Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those screen walls shall be constructed of sound absorbing materials such as split face block or acoustical CMU block.

5. Any outdoor lighting shall be ~~low pressure sodium~~, mounted no higher than ~~ten (10)~~ sixteen (16) feet, shielded and directed down and away from residential parcels and public roadways.
- ~~6. The use of outdoor speakers and/or intercom systems shall be prohibited.~~
76. An on-the-ground survey by a qualified archeologist shall be performed before any ground modification, and if any remains are found, a data recovery program approved by the Arizona State Museum shall be performed.
87. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
98. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
- ~~10. Issuance of a building permit for construction of the proposed development based on an approved development plan in compliance with all Code requirements and conditions of rezoning by June 7, 2001.~~
119. Any change of use or change to the facilities shall require a public hearing and the approval of the Mayor and Council.
- ~~12. All mitigation, walls and landscaping shall be completed prior to issuance of a Certificate of Occupancy.~~
10. Hours of operation shall be restricted to 7:00 A.M. to 9:00 P.M.
11. Power to the vacuums and conveyor wash facility shall be turned off during non-operating hours.
12. Excess lighting shall be turned off and/or dimmed during non-operating hours, such that the only site lighting will be that needed for security purposes.
13. Free-standing signs shall be architecturally consistent with the new development.
14. One canopy tree shall be planted in the vehicular use area for every four (4) parking spaces.

15. To prevent loss of vegetation due to spread of fire and extreme competition from nonnative species, nonnative invasive buffelgrass, Johnson grass, fountain grass, and Russian thistle shall be removed. It shall be ensured that personnel conducting maintenance can distinguish between native and nonnative grasses and plants. Only nonnative invasive species shall be removed.
16. The amended conditions, as recommended, apply to all parcels included in C9-99-07 and C9-92-19.

The following conditions are amended from C9-92-19, as set forth in Ordinance No. 8053. ~~Strikeouts~~ represent language to be deleted, and underscores are language to be inserted.

~~1. An approved development plan submitted in accordance with Section 23-409 of the Tucson Code including but not limited to:~~

~~a. a five-foot high masonry buffer wall and landscaping as shown on the submitted concept plan;~~

~~b. a landscape plan that demonstrates how landscaping requirements will be met for the existing configuration of Grant Road and after Grant road is widened;~~

~~e. a six-foot high masonry enclosure around the trash collection station;~~

~~d. access points on Grant road to be used for ingress/egress only and not for display area; and~~

~~e. west access point to be signed from street as "Entrance Only" and the east access point to be signed from the street as "Exit Only".~~

~~2. Dedication of additional right-of-way for Grant road per the Major Streets and Routes Plan, including provisions for intersection widening at Country Club and Grant road.~~

3.1. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the public.

2. ~~Five years to comply with all Code requirements and the conditions of rezoning.~~ Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.
3. The amended conditions, as recommended, apply to all parcels included in C9-99-07 and C9-92-19.

Seven written approvals and nine written protests were received prior to the Zoning Examiner's public hearing on November 19, 1992 and April 29, 1999, which were never rescinded, at that time requiring a three-fourths majority vote of Mayor and Council to adopt a rezoning ordinance. No additional approvals or protests have been received. The count remains seven written approvals and nine written protests. The protests generally allude to noise and traffic.

Because the protest level exceeds 20 percent to the east, a three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject properties once the conditions of rezoning are met.

9. ELECTIONS: CALLING A CHARTER AMENDMENT SPECIAL ELECTION TO BE HELD NOVEMBER 6, 2007

- a. Report from City Manager SEPT5-07-498 CITY-WIDE
- b. Ordinance No. 10451 relating to elections; pursuant to Article XIII, Section 2 of the Arizona Constitution and to Chapter IV, Section 1(20), Chapter V, Section 9.1, and Chapter XVI, Section 6 of the Charter of the City of Tucson, Calling a Special Election to be held on November 6, 2007, for the purpose of submitting to the City's qualified electors a proposed amendment to Chapter V, Sections 8 and 9 of the Charter, recommended by the Citizens' Commission on Public Service and Compensation, to increase the salary of the Mayor from \$3,500 per month to \$4,000 per month and the salary of each of the members of the Council from \$2,000 per month to \$3,000 per month; and declaring an emergency.
- c. Ordinance No. 10452 relating to elections; pursuant to Article XIII, Section 2 of the Arizona Constitution and to Chapter IV, Section 1(20), Chapter XVI, Section 6, and Chapter XIX of the Charter of the City of Tucson, calling a Special Election to be held on November 6, 2007, for the purpose of submitting to the City's qualified electors a question submitted through Initiative Petition Number 2007-I003, relating to amending the Charter by adding a new Section 14 to Chapter XXV; and declaring an emergency.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager SEPT5-07-480 CITY-WIDE

11. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, September 11, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.